THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.25738 OF 2005

Dt.7.12.2005

Between:

Killiamsetty Usharani … Petitioner

And

The Circle Inspector of Police,

Sompete, Sompete Mandal, Srikakulam

District and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

The petitioner submits that she is doing business in the name and style of ‘Swapna Traders’ in food grains such as rice and maintaining the records properly. It is stated that the petitioner purchased raw rice from villagers of Ghati Mukundapuram and vouchers and waybills clearly show that she purchased the rice from the farmers of the said village and transporting the same in the mini lorry to her shop at Kanchali Village. While so, on 14.11.2005 the Circle Inspector of Police, Sompeta along with his staff checked the said lorry and seized 240 bags, each containing 25 K.Gs. rice, alleging that the petitioner is illegally transporting the same. After seizing the said rice, he has sent a report to the Mandal Revenue Officer, Manchili Mandal,

Srikakulam District.

Having regard to the facts and circumstances of the case, I am of the opinion that the action of the first respondent is illegal and without any jurisdiction whatsoever. If any action has been initiated by the 3rd respondent, it is always open for the Joint Collector, Srikakulam to initiate proceedings under Section 6-A of the Essential Commodities Act. Till the initiation of the 6-A proceedings, the detention and seizing of the said rice is illegal and unsustainable. Accordingly, the 2nd respondent is directed to release the stocks of the petitioner seized under mediators report dated 14.11.2005 to the petitioner. But, however, such release of the seized stocks will be subject to further orders that may be passed, if any, by respondents 3 and 2.

The writ petition is accordingly disposed of. No costs.

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(V.ESWARAIAH, J.)

7.12.2005

Note: Issue copy within two days

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